

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AMIEN MOSES JAMES,

Petitioner,

v.

ALBERTO GONZALEZ,

Respondent.

§
§
§
§
§
§
§
§

CIVIL ACTION H-06-0574

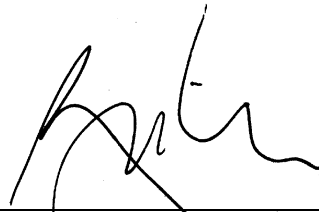
MEMORANDUM OPINION AND ORDER

Petitioner Amien Moses James, proceeding *pro se* and *in forma pauperis*, filed this habeas corpus petition under 28 U.S.C. § 2241 complaining of his unlawful detention by the Bureau of Immigration and Customs Enforcement. At the time petitioner filed his petition, he was in federal custody of the Bureau in Houston, Texas. On August 14, 2006, the Court sent notice of an order to petitioner at his address of record. (Docket Entry No. 12.) On August 21, 2006, the notice was returned to the Court, marked as “Return to Sender; Released.”

Petitioner filed this habeas petition in order to seek release from custody. He now has been released from custody. Accordingly, the relief sought by this pending petition is moot. Under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that this case should be dismissed without prejudice as moot. Petitioner is advised, however, that upon a proper showing, relief from this dismissal may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, it is **ORDERED** that this action be **DISMISSED** without prejudice as moot. Any and all pending motions are **DENIED** as moot.

Signed at Houston, Texas on August 21, 2006.

A handwritten signature in black ink, appearing to read 'G. Miller', is written over a horizontal line.

Gray H. Miller
United States District Judge